RECEIVED CENTRAL FAX CENTER

OCT 2 3 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	
George Frey	Before the Examiner Javier G. Blanco
Serial No.: 10/721,642	Group Art Unit: 3738
Filed: November 25, 2003	Attorney Docket: MSDI-263/PC401.15
DEVICES AND TECHNIQUES FOR A) POSTERIOR LATERAL DISC SPACE) APPROACH	October 23, 2006

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed September 22, 2006, please enter and consider the following remarks. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time necessary and charge any fees which may be due to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

Oct. 23, 2006

Date of Transmission

Douglas A. Collier

ne of Registered Representative

Signature

Oct. 23, 2006 Date of Signature

Response to Restriction Requirement Serial No. 10/721,642 Attorney Docket No. MSDI-263/PC401.15 Page 1 of 10

RECEIVED CENTRAL FAX CENTER OCT 2 3 2006



FAX COVER PAGE

DATE: October 23, 2006

PAGES INCLUDING THIS PAGE:

TO: United States Patent and Trademark Office

COMPANY: Examiner Javier G. Blanco, Group Art Unit 3738

FAX NUMBER: 571-273-8300

PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333

FAX NUMBER: (317) 636-1507

RE: Response to Restriction Requirement for U.S. Pat App No. 10/721,642 to Frey et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

> October 23, 2006 (Date of Transmission)

Douglas A. Collier

Name of Registered Representative

Hard copy will be sent via: Regular Mail

Overnight Courier

Fax Communication Only

Name of Sender:

Douglas A. Collier

Client Matter No.:

333 MSDI-1

WARNING CONFIDENTIALITY NOTICE The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP ONE INDIANA SQUARE

SUITE 2800

INDIANAPOLIS, IN 46204 TELEPHONE-(317) 636-

4341

FAX-(317) 636-1507

KRIEG DEVAULT LLP

12800 N MERIDIAN STREET **SUITE 300**

CARMEL, IN 46032

TELEPHONE-(317) 566-1110

FAX-(317) 636-1507

KRIEG DEVAULT GALVIN

LLP 5231 HOHMAN STREET HAMMOND, IN 46320

TELEPHONE-(219) 933-0380 FAX-(219) 933-047 [KRIEG DEVAULT LUNDY

HP

825 ANTHONY WAYNE

BUILDING

203 EAST BERRY STREET FT. WAYNE, IN 46802

TELEPHONE-(260) 422-

1534

FAX-(260) 423-1590

KD_IM-842664 1.DOC

RECEIVED CENTRAL FAX CENTER

2002

UCT 2 3 2005

Under the Process of the	U.S. I	PTO/SB/21 (09-04 Approved for use through 07/31/2008, OMB 0851-003 Patent and Treatment Office; U.S. DEPARTMENT OF COMMERCI
Upon usu Pananwork Reputation Act of 1995, manage	Application Number	masterno compensar la control a valla Compensar de la Compensa
TRANSMITTAL	Filing Date	10/721,642
FORM	First Named Inventor	Nov. 25, 2003
FURM	Art Unit	George Frey et el.
	Examiner Name	9738
(to be used for all correspondence after initial filting)		Javier G. Blanco
Total Number of Pages in This Submission 12	Attornay Docket Number	MSDI-283/PC401.15
ENCLOSURES (Check all that apply)		
Fee Transmittal Form	Drawing(s) Licensing-related Papers	After Altowance Communication to TC Appeal Communication to Board of Appeals and Interferences
Amendment/Reply After Final Affidevits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/ Incorrelete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53		Appsal Communication to TC (Appcod Riciteo, Briof, Rophy Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below): Fax Cover Sheet
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Krieg De Kault LLP		
Signature Lorollo U. College		
Printed name Douglas A. Collier		
Davie		
Octobar 23, 2008	Re	g. No. 43,558
CERTIFICATE OF TRANSMISSION/MAILING		
I hereby cartify that this correspondence is being facelimite transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissionar for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature Landas Q. Collici		
Typed or printed name Dougtes A. Collier Date October 23, 2008		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to fits (and by the USPTO to process) an application. Confidentially is governed by 33 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gestrating, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the armount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Petent and Trademark Calco, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEKO TO: Commissionary for Patients, P.O. Box 1450, Alexandria, VA 22313-1459.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.